



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Enforcement & Compliance Assurance Branch
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

VIA CERTIFIED MAIL

Z 376 730 267

March 1, 1999

Mr. Joseph Boyle, Chief
Enforcement and Compliance Assurance Branch
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

949403

Re: Corrective Action Authority
USS Lead Refinery, Inc.
East Chicago, Indiana
IND 047030226

The Indiana Department of Environmental Management (IDEM) wishes to resume our role as the lead agency for the remainder of remediation at the USS Lead Refinery, Inc. (USS Lead) site by entering into an agreed order for the following activities:

- Canal remediation
- Corrective Action Management Unit (CAMU) maintenance and monitoring
- Site-wide investigation
- All remaining remediation
- Potential air monitoring
- Sediment sampling and analysis
- Water quality issues
- Wetlands mitigation
- Wetlands design, construction, and maintenance
- Grand Calumet River (GCR) sampling and analysis
- Potential GCR Remediation
- Other off-site contamination

It is important that IDEM take the primary role at this time to take full advantage of coordination and streamlining opportunities. A brief discussion of these issues is as follows:

Closure and ground water monitoring is being performed on-site by IDEM. However, approval must come from both IDEM and U.S. EPA. This redundant oversight means

that these activities are taking much longer than necessary. Since IDEM has authority to conduct these activities, a reduced federal involvement will mean completion of these activities in a more timely manner.

Currently, IDEM's Office of Water Management and Office of Environmental Response are involved in sampling, analysis, and potential remediation activities in the GCR. This is being overseen by the Natural Resource Damage Assessment (NRDA) trustees, of which IDEM is the lead trustee. Additionally, a group of businesses located along and near the GCR and Indiana Harbor and Ship Canal, entitled the "G9" are undertaking river analysis and potential cleanup activities. The NRDA Trustees and G9 may be able to persuade USS Lead to do more work to comply with their portion of the ongoing NRDA issues. The U.S. EPA, while an interested party, is not a NRDA trustee. For this reason, IDEM is in a better position to coordinate GCR remedial actions with USS Lead than the U.S. EPA.

Further reasons can be seen from past activities. IDEM had already contemplated site assessment and site-wide remediation in a previous order from 1990 (see Cause Number N-296). In 1991 and 1992, the U.S. EPA and IDEM discussed how best to provide for the long-term care of the site. It was decided that a new order, issued by the U.S. EPA, would be initiated to allow USS Lead to construct the CAMU and to address off-site releases. This order was signed in 1993, and was agreed to because IDEM did not have Corrective Action authority at the time. IDEM and USS Lead agreed to postpone the work on the previous order IDEM had issued until the interim stabilization measures being done under the U.S. EPA order were complete. IDEM has since received Corrective Action authority to construct CAMUs and to require off-site remediation. For this reason, IDEM is in a much better position to oversee the remediation at the site from this point forward.

For these reasons IDEM suggests issuing a separate order to USS Lead and resuming the regulatory lead for this site. The time frame for this action will be based on several factors:

1. The time necessary for drafting the order.
2. The time needed to get the order signed and to become effective.
3. U.S. EPA's concurrence that this is the appropriate action.

The first two factors will have a time frame of approximately four months from today's date. The last will be done concurrently, and will be accomplished prior to the effective date of the IDEM order.

The IDEM oversight will be in accordance with U.S. EPA's current order, but will be more encompassing to account for closure, wetland remediation, and potential river dredging and disposal. The oversight done by U.S. EPA thus far has had significant value in that it provided for responses that could otherwise not have been accomplished. However, based on the current

regulatory framework and the anticipated remediations being contemplated at the site, the IDEM is in a better position to complete the oversight of this action.

Please let me know your thoughts on this matter. If you have any questions or would like to discuss this further, please contact me at 317/232-3292.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Linson', written over a horizontal line.

Thomas E. Linson, Chief
Hazardous Waste Facilities Branch
Solid and Hazardous Waste Management

cc: Ms. Mirtha Capiro, U.S. EPA, Region V
Mr. Scott Ireland, OWM